No. Rl. 970—*L. C., dated Bangalore, the* 6*th April* 1937.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Hindu Law is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Hindu Law.

Whereas it is expedient to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs and to remove certain defects; it is hereby enacted as follows:—

Short Title.

1. (1) This Regulation may be called the Hindu Inheritance (Removal of disabilities) Regulation, 193 .

Extent.

(2) It extends to the whole of Mysore.

Persons not to be excluded from inheritance or rights in joint family property.

2. Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, other than a person who is and has been from birth a lunatic or idiot, shall be excluded from inheritance or from any right or share in joint family property by reason only of disease, deformity or physical or mental defect.

Saving and exception.

3. Nothing hereincontained shall affect any right which has accrued or any liability which has been incurred before the commencement of this Regulation, or shall be deemed to confer upon any person any right in respect of any religious office or service or of the management of any religious or charitable trust which he would not have had if this Regulation had not been passed.

STATEMENT OF OBJECTS AND REASONS.

The Hindu Law as at present administered contains provisions excluding from inheritance certain classes of heirs suffering from congenital, physical or mental defects. This rule of exclusion is based on ancient texts and was based probably on the ground that the defects incapacitated the persons from having religious efficacy, Society

has advanced and whatever might have been the reason for the original rule of exclusion, it has lost its force in these modern days of enlightened ideas and has become obsolete. It is therefore considered that it is time that the rule is modified by legislation.

Congenital lunacy or idiocy stand on a different footing. The persons suffering therefrom will be unable to manage the property. The disqualification for inheritance will therefore be kept up in this case.

It is not however proposed to affect rights accrued or liability incurred before the commencement of the Regulation, nor any rule regarding the management of any religious or charitable trust.

The rule has been modified in British India by Act XII of 1928 and it is proposed to introduce legislation here on similar lines.

No. Rl. 972--L. C., dated Bangalore, the 6th April 1937.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill for the removal of disabilities arising from change of Religion or deprivation of Caste is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill for the removal of disabilities arising from change of Religion or deprivation of Caste.

Whereas it is expedient to remove certain disabilities arising from change of Religion or deprivation of Caste, it is hereby enacted as follows:—

1. (i) This Regulation may be called the Regulation for the removal of Religious and Caste Disabilities.

(ii) It extends to the whole of Mysore.

(iii) It shall come into force at once.

2. No person and no heir or representative of such person shall, merely by reason of his having renounced or being excluded from any religion or of his being deprived of caste:

(i) be divested of any vested interest to or in property;

(ii) be deprived of any right of inheritance or personal right:

Provided that no person and no heir or representative of such person shall by reason of this enactment be entitled to retain or acquire any property or right or to exercise any right peculiar or only appropriate to the religion which he has renounced or from which he has been excluded or peculiar or only appropriate to the caste of which he has been deprived.

Illustrations.

(*a*) A is a trustee for an endowment of his religion. Out of that endowment he is entitled to provide for his own residence and maintenance. On being converted to another religion, he will cease to retain his interest in the endowment.

(*b*) A, a Hindu with vested interest in joint family property, is converted to Christianity. He will, on conversion, retain his interest in that property, but without the incidents peculiar or only appropriate to members of a joint Hindu family.

(*c*) A, a Hindu, dies intestate, leaving him surviving a legitimate son B, a converted Christian. B will succeed A as heir, not by survivorship as a Hindu co-parcener.

(*d*) A, a Hindu, dies leaving him surviving a legitimate son B, a converted Christian. A, before his death, has disposed of his property by a valid will. A's property will follow the dispositions of that will.

(*e*) A, a Mussalman, with four legally married wives, is converted to Christianity. A, after his conversion, will not be able to divorce them by ceremonies under the Mahomedan Law.

(*f*) A, a Hindu with Hindu sons, becomes a Mussalman. After conversion, he will not be able to exercise the right of a Hindu father to give one of his Hindu sons in adoption to a Hindu.

(*g*) A Hindu Brahmin voluntarily renounces his caste rules and becomes an ascetic. He will not be affected by this Regulation.

3. No person and no heir or representative of such person shall, by reason merely of another person having renounced or being excluded from any Religion or being deprived of Caste,

(i) be divested or deprived of any property, right of inheritance or personal right which he would have held had such other person remained in that Religion or Caste;

(ii) be forced to any act or to suffer any act inconsistent with or not appropriate to his own Religion or Caste.

Explanation.—The Religion or Caste of any person shall be presumed to be that in which he was born. A Court shall, till the contrary is shown, presume that it is for the advantage of a minor to remain in the Religion or Caste in which he was born.

Illustrations.

(*a*) A and B are Hindu full brothers and C their half brother. A becomes a Christian. B's right of inheritance to A will not be affected by C becoming a Christian.

(*b*) A, a Hindu, having a share and a right to live in the joint family house, becomes a Christian. He cannot, contrary to the will of the Hindu members of the family, enforce his right to live himself in the joint family house.

(*c*) A, a Christian man, has a Christian wife B. A becomes a Mussalman and marries a second wife by ceremonies under the Mahommedan Law. A will remain liable for the maintenance of B, and B will retain her right to divorce him, if she chooses, according to the law applicable to Christians. But A cannot enforce against her any conjugal rights, nor divorce her, except, for reasons and in the manner allowed by the law applicable to Christians.

(*d*) A, a Christian man, with minor Christian children, becomes a Mussalman. He will remain liable for their maintenance. But he cannot enforce against them any right of guardianship inconsistent with their religion, such as circumscising his minor sons or giving his minor daughters in marriage to Mussalmans with ceremonies which subject them to Mahommedan Law.

(*e*) A, son of B, a Hindu, becomes a Christian, and is consequently deprived of caste. B will have the same right of adoption as he would have held if A had become an out-caste or disqualified son while remaining a Hindu; but the adoption, if made, will not operate to deprive A of property or rights to which A is entitled under Section 2 of this Regulation.

(*f*) A, son of B, a Hindu, becomes a Christian. After the conversion of A, another son C is born to B. C will have the same rights in respect of ancestral property as he would have had if A had remained a Hindu; but the birth of C will not otherwise affect the rights of A under Section 2 of this Regulation.

STATEMENT OF OBJECTS AND REASONS.

Under the Hindu law a person on conversion to another religion is considered civilly dead and he loses his rights of inheritance in the family to which he belonged. In order to remove this disability, Act XXI of 1850 was passed in British India. The question of introducing legislation in the State on the lines of the British Indian Act, XXI of 1850, has often come up for consideration.

Government feel that the time has come for removing the disability arising from change of religion or deprivation of caste, and the Bill is intended to effect this.

The Bill applies to persons who change their religion as well as to those who are deprived of their caste.

The Bill while removing all reasonable grievances of the converts leaves unimpaired the reciprocal rights of the members remaining in the religion. It is intended that neither the convert nor his relations in the religion which he has left should either lose or gain by the conversion or by the loss of caste of one of the members of the family.

Clause 2 of the Bill enacts that no person or heir of such person will be deprived of any vested interest in property or any right of inheritance or personal right by reason of his having renounced or being excluded from any religion or of his being deprived of his caste. This right is subject to the important proviso that the convert shall not acquire or retain or exercise any right which is peculiar or appropriate only to the religion from which he has seceded.

Clause 3 lays down that no person shall be divested or deprived of any property or right of inheritance or

personal right by reason merely of another person having renounced his religion or being deprived of caste. This clause further provides that no person shall be forced to do any act or to suffer any act inconsistent with or not appropriate to his own religion or caste by reason of another person's conversion or loss of caste. This is intended to protect, among other things, the religious interests of minors.

Printed by the Superintendent at the Government Press, Bangalore.